REMARKS

Reconsideration and further examination of this application is respectfully requested. Claims 1, 3-7, and 12-17 were previously amended. Claims 1, 3-7, and 12-17 have been further amended to address concerns about the previous amendments with regard to 35 U.S.C. 112, first paragraph. Claim 2 was previously cancelled. Therefore, Applicant submits claims 1, and 3-21 for further examination.

In the subject Office Action made Final, the Examiner rejected claims 1 and 3-21 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement because the previous amendments contained subject matter that was not described in the specification. The Examiner asserted that claims 1, 3-7, and 12-17 as the claims were previously amended included references to HTML source files, HTML template files, and HTML content files used to create the resultant web page. The Examiner further asserted that "The description of the invention does not indicate that the components used to achieve the result [the web page to deliver] must be HTML specific components." However, the Examiner did assert that "The cited passages indicate that the result [the web page to deliver] is an '*HTML file*' or an '*HTML page.*'" The previously cited passages are located on page 2 at lines 9-10 and in the abstract of the subject patent application specification.

Claims 1, 3-7, and 12-17 have been amended to remove amendments previously entered indicating that the source files for the final web page are HTML components used to create the web page. The amendments implemented by deleting the "HTML" description before the component name. Applicant also added language to indicate that the final web page was created as "an HTML page" in accordance with the cited passages as acknowledged by the Examiner. Other minor typographical errors were also corrected. Thus, claims 1, 3-7, and 12-17, as amended are proper under 35 U.S.C. 112, first paragraph.

Entry of the amendments is proper since the amendments comply with a requirement of form under 37 U.S.C. 1.116(b), which states that "After a final rejection or other final action ... amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action." *Emphasis added.* As described above, the amendments to the claims were necessary to bring the claims into compliance of form under 35 U.S.C. 112, first paragraph, as set forth in the subject Office Action.

Entry of the remarks concerning validity of the claims in this Response D After Final Pursuant to 37 C.F.R. 1.116 is proper because Applicant is responding to new arguments and new reasons for rejections submitted by the Examiner in the subject Office Action made Final submitted July 12, 2007. Rule 1.116(e) states that "[a]n affidavit or other evidence submitted after a final rejection or other final action . . . in an application . . . may be admitted upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented." Since the following remarks are in response to arguments and new reasons for rejection presented for the first time by the Examiner in the subject Office Action made Final, Applicant was not able to respond to the arguments and new reasons for rejection until such Office Action made Final was issued. Thus, Applicant has good and sufficient reason for not presenting the following remarks until this time.

In the subject Office Action made Final, the Examiner rejected claims 1, 3, 5-14 and 16-21 under 35 U.S.C. 103(a) as being unpatentable over Tittel et al., "XML for Dummies," copyright 2000 IDG Books Worldwide (hereinafter Tittel). The Examiner further rejected claims 4 and 15 under 35 U.S.C. 103(a) as being unpatentable over Tittel in view of Hsu et al. (US Pat. Pub. No. 2004/0010710) (hereinafter Hsu).

In the subject Office Action, the Examiner asserted that "Tittel does not disclose creating a resultant HTML web page, per [se], however Tittel does indicate that XML and HTML are very closely related computer languages." The Examiner further asserted that "Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made to use the teachings of Tittel to create an HTML page because '*XML documents use a syntax that has all of the same bits and pieces that you know from traditional HTML pages*' (page 15, second paragraph [of Tittel])." While Tittel states that the syntax of HTML appears similar on page 15, Tittel later goes on to state "You must throw away all preconceived notions about HTML and tighten the reins on your coding habits. Unlike HTML, XML is strict and requires that you follow the guidelines of the World Wide Web Consortium (W3C)." Tittel on page 62 at paragraph 3. Thus, while the code syntax of HTML and XML may appear similar to the naked eye, the actual implementation of an XML web page is vastly different from the implementation of an HTML web page. Thus, the creation of an XML web page would not make the creation of an HTML web page obvious to one of ordinary skill in the art.

In the subject Office Action, the Examiner further stated that Tittel "discloses parsing a definition file with a parser, said definition file comprising addresses to template files and addresses to content files, extracting the template and content files where the template file contains information for the web page." As support for the Examiner's assertion, the Examiner referenced the use of Document Type Definition (DTD) files disclosed on pages 61-63 of Tittel, the use of style sheets for formatting of the web page disclosed on pages 141-145 of Tittel, and the disclosure of the DTD file referencing the addresses of both template and content files on page 189 of Tittel. Paragraphs 1 and 2 on page 61 of Tittel state:

> " An XML Document Type Definition (DTD) defines the rules of the game for XML
> documents. <u>DTDs are used to add structure and logic and to make it easier for everyone to</u>
> <u>understand what all the elements in a XML document mean</u>. Although DTDs are not
> absolutely necessary when creating XML, it's important that you understand what they are and
> how they work.
>
> Using a DTD properly means that your document will be valid. In Chapter 2, we
> outline what it takes for an XML document to be well formed. <u>In this chapter, we tell you</u>
> <u>what it takes to create an XML document that's valid</u>." *Emphasis added.*

The DTD files of Tittel are clearly adapted and configured to define and create a valid XML page, not an HTML page. Thus, attempting to use the DTD files of Tittel to create a web page as an HTML web page would render the XML system of Tittel unsatisfactory for its intended purpose of creating XML web pages. As previously stated, HTML and XML may have syntaxes that appear similar to the naked eye, but the actual implementation and parsing of XML and HTML code requires a programmer to "throw away all preconceived notions about HTML" when switching from HTML to XML coding.

Claim 1 of the subject patent application, as amended, recites: "creating said web page by the parser <u>as an HTML page</u>." The result of claim 1 of the subject patent application is clearly a web page created as an HTML page. As described above, Tittel discloses a system that creates a web page as an XML page. The creation of an HTML page would require Tittel to create pages in a different programming language that would result in making the Tittel system unsatisfactory for its intended purpose of creating XML web pages. MPEP § 2143.01(V) states that "If [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." Since modifying the Tittel system to result in an HTML page would make the Tittel system

unsatisfactory for its intended purpose of creating XML pages, Tittel does not teach, suggest, or motivate one of ordinary skill in the art to create a system with definition files, predefined template files, and content files parsed and combined to create an HTML page.

The Hsu reference does not make up for the deficiencies of Tittel as the Hsu reference is directed to the authorization of a client to view the content of a web page. Therefore, the Examiner has failed to make a proper *prima facie* case under 35 U.S.C. 103(a) and claim 1 of the subject patent application is patentable over Tittel. As acknowledged by the Examiner in item 18 of the subject Office Action, "independent claims 7, 13, and 17 . . . are directed toward a [similar] method or system [as] claim 1." Thus, independent claims 7, 13, and 17 are also patentable over the prior art. Since independent claims 1, 7, 13, and 17 are patentable over the prior art, dependent claims 3-6 depending from independent claim 1, dependent claims 8-12 depending from independent claim 7, dependent claims 14-16 depending from independent claim 13, and dependent claims 18-21 depending from independent claim 17 are also patentable over the prior art.

For the above stated reasons, Tittel does not disclose, teach, or suggest claims 1-21 of the presently claimed invention and the Hsu reference does not make up for the deficiencies of Tittel. Thus, the Examiner has failed to make a proper *prima facie* case of obviousness as is required under 35 U.S.C. 103(a). Therefore, this application is now considered to be in condition for allowance and such action is earnestly solicited.

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